

Raleigh Appearance Commission – Outdoor Seating Design Review Committee
Minutes of the Meeting
Wednesday, January 6, 2016

Members attending: Brian O’Haver, Rolf Blizzard, Candice Andre, Brandy Thompson, Lauren Dickens, Asa Fleming, Jamie Ferguson, Kellie Goss, Jed Gant

Staff attending: Carter Pettibone, Roberta Fox, Rotonda McKoy, Dhanya Sandeep

Brian O’Haver began the meeting and described the intent and scope of the committee. He mentioned the committee would be meeting for six weeks and could possibly change the meeting room to accommodate a larger audience if needed. He asked that attendees please sign in with your contact information so we can notify for future meetings.

Roberta Fox gave an introduction and background information on the request from Council.

Brian O’Haver stated that the final deliverable will be a written recommendation to Council on the four items identified in the request from Council.

Staff Presentation

Dhanya Sandeep began a presentation on outdoor seating. It included the scope of the outdoor seating design review, background information (including the existing PUPs Handbook Regulations, New Outdoor Seating Ordinance and subsequent revisions, and Relevant Design Specifications and Issues), and an overview of best practices from other cities.

Jed Gant mentioned that the previous rules discouraged physical barriers for separation, but they are now required and asked why this was. He also asked why design was not discussed before. Staff indicated there had been a shift in policy regarding physical barriers and that planners were not driving the changes.

Rolf Blizzard asked what the enforcement issues were. Staff stated that issues were occurring during the nighttime and that the City had a lack of zoning inspectors for enforcement, indicating a lack of priority for the issues.

Staff also indicated the following issues: outdoor furniture design and appearance; signage issues since there were no guidelines for the required signs; the outdoor seating occupancy limit, which was based on an analysis of NC Building Code and meant to cut down on overcrowding on the sidewalk; and the removal of the ability to use adjacent building frontages.

Brandy Thompson asked if the group could make recommendations on the last item. Staff said they could.

Jamie Ferguson asked for a clarification on the genesis of the 15 square feet per person requirement. Staff said it was based on NC Building Code. Brian O’Haver added that the same requirement was used for outdoors that was used for indoors.

Jed Gant asked about the concept of the land bridge and if was part of the discussion. Staff said it was not specifically part of the request, but the group could fold it into the discussion on the 15 sq. ft. /per person item.

Asa Fleming asked what the issue was with land bridges. Staff and attendees said the issue involved crossing rights-of-way with alcohol.

Will Alphin (attendee) provided some history of the situation, including that ABC had not been enforcing the issue, but when the issue had come up again lately, ABC had to change its stance.

Rolf Blizzard asked what the current status was. Will Alphin mentioned that ABC knows that establishments are doing split areas.

Brian O'Haver requested that the committee get back to the Staff presentation, which continued with the section on best practices from other municipalities. Staff detailed the regulations from Durham, Greensboro, Asheville, Charlottesville, VA, Austin, TX, and West Palm Beach, FL.

Brian O'Haver then opened up the discussion. He said the committee wanted to hear about the issues and challenges from people at the meeting.

Rolf Blizzard asked if the group could recommend no barrier be used. Roberta Fox said that was a good question. The group could look at requirements and ABC rules and recommend to looking at other mean of delineation. Rolf Blizzard also suggested using the UNC School of Government as a resource if needed.

Paul Dombalis (attendee), owner of the Mecca Restaurant, addressed the committee. He said that under past rules he was allowed 4 tables and 16 chairs. Now he is only allowed 4 chairs under the new rules.

Jed Gant said that certain restaurants don't have the capacity in front of their building and could use adjacent buildings for frontage for seating.

Ken Shugart (attendee), a downtown resident, mentioned that he had three points to make. One was that the experience at 1:00am on a Friday during summer was much worse than during traditional business hours. The second was that establishments place furniture other than tables and chairs in the sidewalk, including items such as games and kiddie pools. The third was that "life is not fair", that it is okay that not all establishments could take advantage of all the allowances.

Bill Barlow (attendee) said that the sidewalk is the walkway for pedestrians, and area for the public and that a five to seven feet width can be tight for two people walking side by side.

Brandy Thompson stated that she thought the use of stanchions as a physical barrier is terrible.

Zach Medford (attendee) said that the Livable Streets Plan talks about outdoor dining as a right.

Will Alphin provided a history of Fayetteville Street as it moved from a quiet, underused mall to a successful street, acting as a magnet for businesses and activity. He said he thought it was a "good problem" to have.

Asa Fleming said they should hear from the enforcement side. Staff stated they could try to bring a representative of the City's Zoning Enforcement office to the next meeting.

Jed Gant said that bar and restaurant owners were getting random checks for interior code issues as a result and wondered if the group could owners' representatives to the meeting to discuss. Brain O'Haver stated that we need to make sure it is relevant and that it ties to the committee's scope.

Will Alphin agreed that it would be good to bring enforcement representatives to the next meeting.

Brandy Thompson asked who enforces ABC laws. Staff said that the NC office of Alcohol Law Enforcement (ALE) does so.

Roberta Fox said that Staff would bring a compilation list of violations along with a member of the zoning enforcement office to the next meeting.

Brandy Thompson asked if the group could get around the physical barriers if areas were clearly delineated. Attendees indicated that ABC was okay with it before.

Brian O'Haver asked how the committee should tackle the items, one at a time?

Roberta Fox stated that Staff could bring to a future meeting a generic sample case for enforcing current rules.

Zach Medford suggested coming up with a list of questions to ask the City Fire/Police/Zoning departments.

Brian O'Haver said they should get feedback on requiring stanchions or a better way for delineating areas.

Jamie Ferguson said she liked the idea of using medallions with permit information on them in the sidewalk the way Richmond, VA does. Asa Fleming added that the cost of the medallions and installation could be part of the cost of permitting.

An attendee said there were concerns about crowds overflowing with late night crowds if there were no physical boundaries.

Vincent Whitehurst (attendee) said that the Police Department likes having the stanchions for enforcement.

Rolf Blizzard asked if there could be a meeting dedicated to enforcement. He said that the law is the law and that enforcement folks should be enforcing the laws.

Jed Gant mentioned that the committee should be talking about design since Council didn't think about this from a design perspective.

Kellie Goss stated that it would be better to design a way to delineate the space without a barrier.

Candice Andre asked if they could see a map or diagram that shows what is happening on each sidewalk affected. Roberta Fox said Staff could obtain the drawings permit holders submitted.

Brandy Thompson suggested that tree grates are replaced with ADA-accessible ones so that space is not reduced by the grates.

Brian O'Haver suggested that the next meeting would concentrate on space delineation and capacity. He also said that Staff would collect questions ahead of time for zoning enforcement staff, who would be invited to the meeting for a discussion on enforcement.

Roberta Fox stated that going forward the Zoning Enforcement office would be responsible for enforcement of the outdoor seating ordinance. Staff would have a representative at the next meeting. She said Staff would also have information regarding violations.

Brian O'Haver asked Staff what would be part of the next agenda. Staff said the agenda/information would include the following topics: space delineation/capacity limit; code enforcement discussion; a recap on violations; look at maps/diagrams; and more information regarding state statutes on delineation.

Meeting adjourned at 5:00pm.